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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,790	03/12/2001	Kimihide Ono	FUJI 18.438	7218

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EXAMINER	
WILSON, ROBERT W	
ART UNIT	**PAPER NUMBER**
2661	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/803,790	ONO ET AL.	
	Examiner	Art Unit	
	Robert W Wilson	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 March 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1 and 2* is/are allowed.

6)☒ Claim(s) *3-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.0 The application of Ono et. al. entitled "MULTIPLEXER CONTROLLING ABSORPTION OF DELAY FLUCTUATION ON INDIVIDUAL TRANSMISSION PATH" filed on 3/12/2001 with priority based upon JAPAN 2000-156442 dated 5/26/2000 was examined. Claims 1-8 are pending.

Claim Rejections - 35 USC § 103

2.0 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.0 Referring to **Claim 5**, Itakura (U.S. Patent No.; 5,901,149) teaches: A method of controlling absorption of delay fluctuation of data transmitted as a cell through a plurality of relay stations (method of canceling or controlling delay fluctuation associated with sending ATM cells through ATM switches or relay stations per col. 2 lines 10-36) said method comprising the steps of:

Adding a maximum value of delay fluctuations of each relay station to a predetermined area of the cell that is to be transmitted through the plurality of relay stations (The timestamp is rewritten at each switch or relay station in consideration of delay fluctuation or adding the maximum value of delay fluctuation and rewritten into the cell or predetermined area of the cell per col. 2 lines 10-36)

Storing a received cell at a relay station (packet is stored in memory of the switch per col. 2 lines 10-36)

Reading the received cell by following the maximum value of delay fluctuation stored in the predetermined area of the received cell, thereby absorbing the delay fluctuation of the received cell (The switch utilizes the timestamp to cancel delay fluctuations or absorbing the delay fluctuation of the received cell per col. 2 lines 10-36)

Itakura does not expressly call for: adding the maximum value of delay fluctuation but teaches rewriting the timestamp in the ATM cell in order which is utilized to cancel delay fluctuations upon receiving the ATM cell per col. 2 lines 10-36.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the rewriting the timestamp in the ATM cell which is utilized to cancel delay fluctuations upon receiving the ATM cell performs the same function as adding the maximum value of delay fluctuation.

In Addition Itakura teaches:

Regarding **Claim 6**, comprising the step of adding the maximum value of delay fluctuations to said predetermined are of the cell at each relay station (The timestamp is rewritten at each switch or relay station in consideration of delay fluctuation or adding the maximum value of delay fluctuation and rewritten into the cell or predetermined area of the cell per col. 2 lines 10-36)

Regarding **Claim 7**, comprising the steps of: Storing the data included in said received cell in a storage (packet is stored in memory of the switch per col. 2 lines 10-36)
Setting timing to read the data from the storage by following the maximum value of delay fluctuation stored in said predetermined area of the received cell (The switch reads the value of the timestamp which measures the delay fluctuations per col. 2 lines 10-36)

Reading the data from the storage by following said timing, thereby absorbing the delay fluctuation of the data (The switch reads the cell data from a buffer in conjunction with reading the timestamp and utilizes the timestamp to cancel the effects of delay fluctuation or absorbing the delay fluctuations)

Regarding **Claim 8**, comprising the step of delaying the timing to read the data from storage by following the maximum value of delay fluctuation stored in said predetermined are of the received cell (The reference teaches that the timestamp value is utilized to cancel delay fluctuation in the ATM switch. It would have been obvious to one of ordinary skill in the art at the time of the invention that the utilizing the time stamp value to cancel delay fluctuations in the ATM switch performs the same function as delaying the timing to read the data from storage by following the maximum value of delay fluctuation stored in said predetermined received cell)

Claim Rejections - 35 USC § 112

4.0 The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-4 & 7-8 are rejected relative to 112 2nd paragraph because the metes and bound of the claims cannot be assessed.

Referring to **Claim 3**, What is meant by "said data-read control unit delaying timing to read the data stored in said storage unit based on said maximum value of the delay fluctuation thereby absorbing the delay fluctuation"? Does the applicant mean that the read control unit delays data read from memory by a value each to the maximum delay fluctuation?

Referring to **Claim 4**, What is meant by "wherein said data-read control unit having to delay said timing only once after a setting of the cell transmission path". Does the applicant mean that the only one value of maximum delay fluctuation is defined in the cell?

Referring to **Claim 7**, What is meant by "setting timing to read the data from the storage by following the maximum value of delay fluctuation stored in said predetermined area of the received cell"? Is the applicant trying to say that the value of delay fluctuation that is defined in the cell is utilized by the system to delay the cell by the fluctuation amount in order to offset the delay fluctuation?

Referring to **Claim 8**, What is meant by "the step of delaying the timing to read the data from storage by following the maximum value of delay fluctuation stored in said predetermined area of the received cell ". Is the applicant trying to say that the value of delay fluctuation that is defined in the cell is utilized by the system to delay the cell by the fluctuation amount in order to offset the delay fluctuation?

Claim Objections

5.0 **Claims 5, 7 & 8** objected to because of the following informalities:
Referring to **Claim 5**, A claim must end with a period. The examiner suggests that the applicant end the claim with a period.

Referring to **Claims 7 & 8**, What is meant by storing the cell in a "storage" or reading the data from a "storage"? The examiner suggests changing the claim from storage which is a literal translation from Japanese to English to the correct English term. Appropriate correction is required.

Allowable Subject Matter

6.0 The present invention is directed to a communication device which adds a second maximum value of delay fluctuation occurring when said multiplexer reproduces the data from the cell.

The closest prior art is Itakura et. al. (U.S. Patent No.: 5,901,149). Itakura discloses a communication device which performs the function of adding a timestamp which has the value of delay fluctuation into the ATM cell as a single step process and not a two step process.

The closest prior art Itakura (U.S. Patent No.: 5,901,149) does not either singularly disclose or anticipate the following claim limitation:

"a second delay-fluctuation" adding unit adding a second maximum value of the delay fluctuation occurring when said multiplexer reproduces the data from the cell" as claimed in **Claim 1**.

In Addition:

Claim 2 is also allowed because it depends upon **Claim 1**.

Conclusion

7.0 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W Wilson whose telephone number is (703) 305-4703. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on (703) 305-4703. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Robert W. Wilson

Robert W Wilson
Examiner
Art Unit 2661

RWW
August 5, 2004

DANG TON
PRIMARY EXAMINER